



SILVERMAN SHIN & BYRNE PLLC
WALL STREET PLAZA
88 PINE STREET
22ND FLOOR
New York, NY 10005
212.779.8600
Facsimile 212.779.8858

New Jersey
19 Engle Street
Tenafly, NJ 07670
201.567.4969

July 12, 2021

VIA ECF

Magistrate Judge Marcia M. Henry
United States District Court
Eastern District of New York
225 Cadman Plaza East
Courtroom 504N
Brooklyn, NY 11201

Re: *Navigator Business Services LLC v. Chen, et ano.*
EDNY Case No. 20-cv-6159 (AMD) (CLP)

Dear Judge Henry:

We represent Plaintiff Navigator Business Services LLC in the above-referenced action, which action was previously assigned to Chief Magistrate Judge Cheryl L. Pollak and recently reassigned to Your Honor. We write pursuant to Rule V. B. 1. of Your Honor's Individual Rules of Practice, to respectfully request Your Honor's consent to a proposed briefing schedule for Plaintiff's intended motion to strike Defendants' Answer should Defendants fail to fully comply with all overdue discovery by a date to be set by the Court.

Pursuant to the discovery schedule set by this Court on April 2, 2021, Defendants' responses to Plaintiff's document demands and interrogatories were due by June 4, 2021. We wrote to Defendants' counsel on June 7, 2021 requesting that Defendants promptly provide their past due discovery responses. Having received no response, on June 18, 2021 we wrote again to Defendants' counsel, reiterating Plaintiff's request for Defendants' outstanding discovery. Defendants' counsel replied that he would "try" to provide Defendants' responses that week; however, no responses were provided. By email on July 7, 2021, we asked Defendants' counsel for his consent to a proposed briefing schedule for Plaintiff's anticipated motion to compel Defendants' discovery responses. Instead of addressing this request, their counsel responded that he would "try" to provide Defendants' responses by July 8, 2021. On the evening of July 8, we advised him that we expected either Defendants' overdue responses and responsive documents by the end of the week, or a response to our proposed briefing schedule. To date, Defendants' counsel has not responded or provided Defendants' discovery responses or documents.

On July 7, 2021, my associate, Bonnie Espino, Esq., called Defendants' counsel and left a message with his office, but she has not received a return call.



SILVERMAN SHIN & BYRNE PLLC

Our efforts to obtain Defendants' outstanding discovery responses, engage in a telephonic meet and confer, or reach agreement with Defendants' counsel on a proposed briefing schedule have not been fruitful. As a result of the foregoing, Plaintiff intends to file a motion to strike Defendants' Answer unless Defendants fully comply with all overdue discovery obligations by a date to be set by the Court, for which we propose the following schedule:

- Plaintiff shall serve its motion within 2 weeks following Your Honor's consent to this proposed briefing schedule;
- Opposition papers shall be filed within 7 days of service of the motion;
- Reply papers shall be filed within 2 days of service of opposition.

Should Your Honor wish to discuss any of the foregoing, I respectfully note that I am currently engaged in an arbitration proceeding before the American Arbitration Association expected to conclude at the end of next week. I will be available during this period on July 16 and July 23, 2021, when arbitration sessions will not be held, and generally thereafter.

Respectfully,

/s/ Donald F. Schneider

cc: Bill Zou, Esq. (via ECF)
Bonnie D. Espino, Esq. (via ECF)